

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,	:
	:
-v-	19-CR-049-2 (JMF)
	:
JUAN CARLOS CAMILO-POLANCO,	:
	:
Defendant.	<u>MEMORANDUM</u>
	:
	<u>OPINION AND ORDER</u>
	:
	X

JESSE M. FURMAN, United States District Judge:

On March 9, 2021, the Court received a motion for compassionate release from Defendant Juan Carlos Camilo-Polanco, proceeding without counsel. *See* ECF No. 52. Upon review of the parties' papers, the motion is denied substantially for the reasons set forth in the Government's response. *See* ECF No. 53. In brief, weighing the factors set forth in 18 U.S.C. § 3553(a), the Court concludes that a sentence reduction is unwarranted given, among other things, the seriousness of Defendant's offense, his criminal history (which includes a 70-month sentence for basically the same offense, after which he was deported from the United States), and his immigration status. *See id.* at 5-7; *see also* ECF No. 56. Moreover, Camilo-Polanco has now received the first dose of the Pfizer vaccine, *see* ECF No. 56, and will presumably be fully vaccinated in a matter of weeks. Accordingly, he will soon have "significant protection against serious illness or death should he contract COVID-19," *United States v. Singh*, No. 4:15-CR-00028-11, 2021 WL 928740, at *3 (M.D. Pa. Mar. 11, 2021), and he "has not demonstrated that his underlying conditions — in combination with the possibility of a COVID-19 infection — provide extraordinary and compelling reasons to grant his motion for compassionate release," *id.* at *3 & n.36 (citing cases). Accordingly, the motion is denied.¹ That denial, however, is without

¹ The Government's request to file Mr. Camilo-Polanco's medical records under seal is granted. *See* Gov't Mem. 3 n.1.

prejudice to a new application “should future evidence demonstrate that new COVID-19 variants render the [Pfizer] vaccine significantly less effective at preventing serious illness or death from COVID-19, such that [Camilo-Polanco] is at a substantial risk of serious illness or death from a COVID-19 infection.” *Id.* at *4.

The Clerk of Court is directed to terminate ECF No. 53 and to mail a copy of this Memorandum Opinion and Order to Mr. Camilo-Polanco at the following address:

Juan Carlos Camilo-Polanco
BOP: 45434054, MVCC
555 GEO Drive
Philipsburg, PA, 16866

SO ORDERED.

Dated: April 23, 2021
New York, New York



JESSE M. FURMAN
United States District Judge